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Action
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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

DAIRI KUBO, ET AL.

: EXAMINER: MILLER, E. A.

SERIAL NO: 10/018,856

:

FILED: DECEMBER 26, 2001

: GROUP ART UNIT: 3641

FOR: GAS GENERANT COMPOSITION

:

RESPONSE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RECEIVED

SEP 07 2003

GROUP 3600

SIR:

In response to the Office Action dated August 20, 2003, the Applicants elect with traverse the additive species (c) organic binder, e.g., cellulosic. Claims 1, 2, 8-16, 20, 21, 24-26 and 28-35 of Group I are presently subject to examination. Claims 36-40, corresponding to Groups II, III and IV, have been withdrawn from consideration. Claims 1, 2 and 33-35 were indicated as being generic. Of the claims of Group I, Claims 1, 2, 8-13, 21, 24-26 and 28-35 read on the elected species, because they either specifically recite organic binders (see Claim 11) or do not exclude their presence.

The traverse is on the grounds that the Office has not established that the claims of Group I do not relate to a single general inventive concept, especially as these claims each require the combination of 5AT, GN and SrN, wherein the GN (guanidine nitrate) has a 50% average particle size of 40 μ m or less. As previously discussed selection of GN with a 50% average particle size of 40 μ m or less modulates the rate of pressure increase produced by a reaction involving guanidine nitrate, see e.g., the chart on page 7 of the Response filed April

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18, 2003 which provides a side-by-side comparison of compositions having GN particles within and outside the range required by the generic claims.

On the other hand, should the election of species requirement be maintained, the Applicants note that the requirement indicated that upon an indication of allowability for a generic claim, claims directed to additional species will be considered.

In view of the above remarks, the Applicants respectfully request reconsideration of the election of species requirement, or alternatively, rejoined of additional species of additives upon an indication of allowability for the generic claims.

Respectfully submitted,

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